

REMARKS

Claims 1-11 and 13-40 are pending. Claim 12 is canceled. Claims 1-18 were rejected. Claims 1-11 and 13-18 have been amended. Claims 19-40 are new. Applicant respectfully requests reconsideration and allowance of the claims, as amended, in view of these Remarks. Applicant submits that this Amendment places the claims in condition for allowance, or in better condition for appeal.

Rejections Under 37 CFR §102

Claim 1-4, 6, 7, 9-12, 17 and 18 were rejected under §102(e) as being unpatentable over Khan. Applicants traverse this rejection and request reconsideration of these claims as herein amended.

Khan discloses a USB camera connected by a cable to a notebook computer. The USB camera send an image to the notebook computer. The notebook computer has an image recognition algorithm. A user can operate the notebook computer to select an image and run the image recognition algorithm using the selected image.

Claim 1 has been amended and further specifies, among other elements:

“the camera having at least one processor in communication with the analog to digital converter for receiving the digital format image data, the at least one processor being operable for executing with the digital format image data at least one facial recognition algorithm, execution of the at least one facial recognition algorithm producing at least one set of facial image data, the at least one processor being operable for executing with the digital format image data at least one compression algorithm, execution of the at least one compression algorithm producing at least one set of compressed image data, the camera having a network protocol stack for transmitting the at least one set of facial image data and the at least one set of compressed image data to the IP network”.

Khan fails to disclose, teach or suggest any of the subject matter identified in the

preceding paragraph as specified in claim 1, as amended. Accordingly, claim 1 is allowable over Khan.

Claims 2-11 and 13-18 are dependent upon claim 1 and are allowable for the same reason. Claims 2-11 and 13-18 are also allowable because of the additional patentable subject matter specified therein.

For example, claim 3 further specifies:

“the server being in communication with at least one facial image database, the server being in communication with at least one facial signature processor, the at least one facial signature processor being operable to compare the at least one set of facial image data with the at least one facial image database”.

Clearly, Khan fails to disclose, teach or suggest this subject matter, and claim 3 is allowable.

Likewise, claim 7 further specifies:

“the server being in communication with at least one facial image database, the server being in communication with at least one facial signature processor, the at least one facial signature processor being operable to compare each of the at least one set of facial image data with the at least one facial image database.”

Clearly, Khan fails to disclose, teach or suggest the specified subject matter, so claim 7 is allowable.

Khan also fails to disclose, teach or suggest the following subject matter, which is specified in claim 10:

“the remote station receiving the at least one set of facial image data, the remote

station being in communication with at least one facial image database, the server being in communication with at least one facial signature processor, the at least one facial signature processor being operable to compare the at least one set of facial image data with the at least one facial image database, the remote station being operable to display a result provided by the at least one facial image processor.”

Clearly, Khan fails to disclose, teach or suggest this additional patentable subject matter, and claim 10 is allowable. In view of the foregoing paragraphs, claim 1 and dependent claims 2-11 and 13-18 are allowable over Khan.

Rejections Under 37 CFR §103

Claim 5 Rejected Under §103 Over Khan in combination with Sah

Claim 5 was rejected under §103(a) as being unpatentable over Khan in combination with Sah. Applicant respectfully traverses this rejection and requests reconsideration of claim 5 as amended.

First, Applicant respectfully submits that Sah does not cure the deficiencies of Khan, which were previously discussed above with reference to the rejections under §102, in relation to claim 1 as herein amended. Specifically, Khan fails to disclose, teach or suggest:

“the camera having at least one processor in communication with the analog to digital converter for receiving the digital format image data, the at least one processor being operable for executing with the digital format image data at least one facial recognition algorithm, execution of the at least one facial recognition algorithm producing at least one set of facial image data, the at least one processor being operable for executing with the digital format image data at least one compression algorithm, execution of the at least one compression algorithm producing at least one set of compressed image data, the camera having a network protocol stack for transmitting the at least one set of facial image data and the at least one set of

compressed image data to the IP network”.

Clearly, Sah does not cure these deficiencies in the teachings of Khan.

Second, applicant submits that, absent the teaching of the present disclosure, one skilled in the art would not be motivated to combine Khan and Sah as suggested by the Examiner. It is well-settled that it is impermissible for the Office to use the applicant’s disclosure as a roadmap to engage in hindsight reconstruction. Sah clearly does not disclose a system including a plurality of cameras, each having the construction specified in claim 1 as amended, in communication with an internet protocol network. For example, as specified in claim 1, upon which claim 5 depends, each camera transmits “the at least one set of facial image data and the at least one set of compressed image data to the IP network.” The combination of Khan and Sah clearly do not provide a system having this construction.

In view of the foregoing paragraphs, claim 5 is allowable over the combination of Khan and Sah.

Claim 8 Rejected Under §103 Over Khan in combination with Lapsley

Claim 8 was rejected under §103(a) as being unpatentable over Khan in combination with Lapsley. Applicant respectfully traverses this rejection and requests reconsideration of claim 8 as amended.

Applicant respectfully submits that Lapsley does not cure the several deficiencies of Khan, which were previously discussed above, in relation to claim 1 as herein amended. Specifically, Khan fails to disclose, teach or suggest:

“the camera having at least one processor in communication with the analog to digital converter for receiving the digital format image data, the at least one processor being operable for executing with the digital format image data at least one facial recognition algorithm, execution of the at least one facial recognition algorithm producing at least one set of

facial image data, the at least one processor being operable for executing with the digital format image data at least one compression algorithm, execution of the at least one compression algorithm producing at least one set of compressed image data, the camera having a network protocol stack for transmitting the at least one set of facial image data and the at least one set of compressed image data to the IP network”.

Clearly, Lapsely does not cure these deficiencies in the teachings of Khan.

Second, applicant submits that, absent the teaching of the present disclosure, one skilled in the art would not be motivated to combine Khan and Lapsely as suggested by the Examiner. It is well-settled that it is impermissible for the Office to use the applicant’s disclosure as a roadmap to engage in hindsight reconstruction. Khan discloses a USB camera connected by a cable to a notebook computer, which is operated by a human operator. Accordingly, Lapsely would not be consulted for any purpose, because the notebook computer is provided the image collected by the USB camera, and the human operator intervenes to operate an image recognition algorithm. Clearly, then, there is no teaching in Khan or Lapsely for a surveillance camera to communicate at least one set of facial image data with a third party database. Accordingly, claim 8 is allowable.

Third, applicant submits that, absent the teaching of the present disclosure, one skilled in the art in possession of both Khan and Lapsely would not reach the combination, as suggested by the Examiner, specified in claim 1 and dependent claim 8. The presence and role of a human operator who intervenes and can elect to run an image recognition algorithm on the notebook computer of Khan clearly prevents the combination of Khan and Lapsely from being combined as specified in claim 1 and dependent claim 8. The numerous elements missing from claim 1 have already been described, and the Examiner has not cured these deficiencies. The Examiner also has not set forth an explanation how the combination would function in the absence of the human operator of the notebook computer of Khan. Applicant respectfully submits that the combination suggested by the Examiner would require a human operator and a notebook computer at each camera, and therefore is clearly implausible and unreasonable.

Fourth, applicant submits that, the combination of Khan and Lapsely teaches away from the combination suggested by the Examiner and specified in claim 8. The presence and role of a human operator who intervenes and can elect to run an image recognition algorithm on the notebook computer of Khan clearly prevents the combination of Khan and Lapsely from being operating as suggested by the Examiner. The numerous elements missing from Khan and specified in claim 1 have already been described, and the combination with Lapsley clearly does not cure any of these deficiencies. For example, the Examiner has not set forth a reasonable explanation how the combination would function in the absence of the human operator of the notebook computer of Khan. For example, Applicant respectfully submits that the combination suggested by the Examiner would teach one skilled in the art to install a human operator and a notebook computer at each camera location, which clearly is inadequate to reject claim 8.

In view of the foregoing paragraphs, claim 8 is allowable.

Claims 13-15 Rejected Under §103 Over Khan in combination with Wada

Claims 13-15 were rejected under §103(a) as being unpatentable over Khan in combination with Wada. Applicant respectfully traverses this rejection and requests reconsideration of claims 13-15 as amended.

Applicant respectfully submits that Wada clearly does not cure the several deficiencies of Khan, which were previously discussed above, in relation to claim 1 as herein amended. Specifically, Khan fails to disclose, teach or suggest:

“the camera having at least one processor in communication with the analog to digital converter for receiving the digital format image data, the at least one processor being operable for executing with the digital format image data at least one facial recognition algorithm, execution of the at least one facial recognition algorithm producing at least one set of facial image data, the at least one processor being operable for executing with the digital format

image data at least one compression algorithm, execution of the at least one compression algorithm producing at least one set of compressed image data, the camera having a network protocol stack for transmitting the at least one set of facial image data and the at least one set of compressed image data to the IP network”.

Clearly, Wada does not cure these deficiencies in the teachings of Khan. Accordingly, claims 13-15 are allowable.

Claim 16 Rejected Under §103 Over Khan in combination with Wada and Waehner

Claim 16 was rejected under §103(a) as being unpatentable over Khan in combination with Wada and Waehner. Applicant respectfully traverses this rejection and requests reconsideration of claim 16 as amended.

Applicant respectfully submits that neither Wada nor Waehner cures the several deficiencies of Khan, which were previously discussed above, in relation to claim 1 as herein amended, and from which claim 16 depends. Specifically, Khan fails to disclose, teach or suggest:

“the camera having at least one processor in communication with the analog to digital converter for receiving the digital format image data, the at least one processor being operable for executing with the digital format image data at least one facial recognition algorithm, execution of the at least one facial recognition algorithm producing at least one set of facial image data, the at least one processor being operable for executing with the digital format image data at least one compression algorithm, execution of the at least one compression algorithm producing at least one set of compressed image data, the camera having a network protocol stack for transmitting the at least one set of facial image data and the at least one set of compressed image data to the IP network”.

Clearly, Wada and Waehner do not cure these deficiencies in the teachings of Khan. Accordingly, claim 16 is allowable.

Conclusion

Claims 19-40 are new. Applicant respectfully requests consideration of these claims and submits that each includes patentable subject matter.

Applicant respectfully requests issuance of a Notice of Allowance for claims 1-11 and 13-40. The Commissioner is authorized to charge any necessary fees to Moore Landrey Deposit Account 40-5128. The undersigned is available at (512) 499-8900 to discuss this application at the convenience of the Examiner.

Respectfully submitted,

/Jeffrey D. Hunt/

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